IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1230 OF 2007

Shankar Shripad Mane. ..Petitioner.

Versus

The State of Maharashtra. ..Respondent.

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Smt.Nasreen Ayubi, Adv. appointed for the Petitioner.
Mr.P.S.Hingorani, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : SEPTEMBER 07, 2007.

P.C.:-

1. Heard the learned Advocate appointed for the petitioner and the learned APP for the State.

2. The petitioner has preferred an application for parole on the ground that his son is suffering from psychological problem. The said application came to be rejected on the ground that the petitioner has been indulging in a series of offence hence it is apprehended that

if released, the petitioner would again indulge in criminal activities. The details of the cases registered against the petitioner are as under : C.R. No.349/2000 u/sec.379 IPC of Khar police station; C.R.No.392/2000 u/sec.379 IPC of Khar police station; C.R.Nos.350/2001, 113/2002, & 71/2003 u/secs.454, 457, 380 IPC of Khar police station. Besides this, the petitioner is involved in C.R.No.79/1997 u/sec.324 IPC of Bandra police station, C.R. No.128/1998 u/sec.326 IPC of Bandra police station, C.R. No.159/98 u/sec. 506(2) IPC of Bandra police station, and C.R. No.39/2003 u/secs.454, 380, 511 IPC of Bandra police station. These cases are in addition to the present case i.e. C.R.No.202 of 2005 of Juhu police Station.

3. Looking to the above facts, it is seen that the petitioner is indeed repeatedly indulging in a number of offences, hence there is some basis for the apprehension in the mind of the authorities. Moreover, the medical certificate on which reliance is placed to seek

parole is rather vague. It does not indicate the exact psychological problem or even the general nature of the psychological problem which the son of the petitioner is supposed to suffer from. It does not mention the seriousness or the gravity of the problem. We find the medical certificate to be very vague and totally devoid of any particulars. Moreover, assuming that the son requires treatment for his psychological problem, the wife of the petitioner is capable of taking the son for necessary medical treatment. Hence, we do not think that this is a fit case to grant parole. Petition is rejected.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]